

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant(s) : David Louis Kirschman
Serial No. : 10/675,361
Filed : September 30, 2003
Title : SPINAL FUSION SYSTEM AND
METHOD FOR FUSING SPINAL
BONES
Group : 3738
Docket : KRS 001 P2

CERTIFICATION of SUBMISSION

I hereby certify that this correspondence is being
submitted to the USPTO via EFS this 19th day of June
2006 by Rebecca Lantis

/Rebecca Lantis/
Signature

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97(b)

Pursuant to the provisions of 37 CFR §1.97(b) Applicants wish to disclose the materials listed below and on the attached form PTO/SB/08A which the Examiner may find relevant to the examination of the above-identified patent application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of issued U.S. patents and/or U.S. patent applications are not required and are not enclosed. Copies of any foreign or non-patent reference materials are enclosed herewith.

Patent No.	Issued	Inventor(s)	Title
5,041,113	08/20/1991	Biedermann et al.	STABILIZATION MEMBER FOR STABILIZING BONES
6,235,059	05/22/2001	Benezech et al.	INTERSOMATIC SETTING AND FUSION SYSTEM
2004/0193270	09/30/2004	DiMauro et al.	IMPLANTABLE BONE GRAFT

We believe the above-cited references are cumulative to the references of record. For example, U.S. 6,235,059 and U.S. 2004/0193270 are show cages devices. Similarly, the devices shown in U.S. 5,681,311 (Marney et al.); U.S. 5,713,899 (Marney et al.) U.S. 5,888,228 (Knothe et al.); and U.S. 5,554,191 (Lahille et al.) also illustrate cage devices. The device shown in U.S. Patent 5,014,113 shows a plate with screws. Other plate devices are shown in U.S. 5,549,612 (Yapp et al.); U.S. 5,601,553 (Trebing et al.); U.S. 5,616,144 (Yapp et


al.); U.S. 5,954,722 (Bono); U.S. 6,837,905 (Lieberman); U.S. 2004/0186476 (Michelson); U.S. 2004/0133205 (Thramann et al); U.S. 2003/0187443 (Laurysen et al.); and U.S. 2003/0191471 (Michelson), for example.

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b). Applicant(s) is not making any representation as to whether any of the references referred to herein are material. Further, Applicant(s) cites these references without prejudice, and Applicant(s) reserves the right to contest the status of these references as prior art.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. 2.6 which may be required by this paper, or to credit any overpayment to Deposit Account No. 50-1287.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By 
Matthew R. Jenkins
Reg. No. 34,844

2310 Far Hills Building
Dayton, OH 45419-1575
(937) 298-2811

June 19, 2006

MRJ/tlf:rl